

**Breckenridge Liquor Licensing Authority
Regular Meeting
Tuesday, April 19, 2011**

CALL TO ORDER

Chair Garrett called the regular meeting of Tuesday, April 19, 2011 to order at 9:00 a.m.

ROLL CALL

The following Liquor Licensing Authority members answered roll call: Mr. Blank, Ms. Katz, Mr. Montepare, and Chair Garrett. Bill Tatro was absent.

APPROVAL OF MINUTES

With no changes or corrections to the meeting minutes of March 15, 2011, Chair Garrett declared they would stand approved as presented. Chair Garrett asked if the board would be receiving a follow-up report on the Optional Premise license at the Riverwalk Center. Ms. Loufek, Town Clerk, reported council approved on first reading An Ordinance Amending Section 4-3-2 Of The Breckenridge Town Code To Authorize The Issuance Of An Optional Premises Liquor License For A Performing Arts Facility. Second reading is scheduled for discussion at the April 26 council meeting.

APPROVAL OF AGENDA

There were no changes to the agenda.

CONSENT CALENDAR

RENEWALS

1. Angel's Hollow, Inc. dba **Angel's Hollow**
113 S. Ridge St.
Hotel & Restaurant Liquor License
2. Breckenridge BBQ Ltd. dba **Kenosha Steakhouse/Rita's**
301 S. Main St.
Hotel & Restaurant Liquor License
3. MB & JR Inc. dba **The Clubhouse Restaurant**
200 Clubhouse Dr.
Hotel & Restaurant Liquor License
4. Ten Mile Holdings Ltd. dba **Fireside Lounge at River Mountain Lodge**
100 S. Park Ave.
Tavern Liquor License
5. The Shangri-La LLC dba **Shangri-La**
505 Main St.
Hotel & Restaurant Liquor License

MODIFICATION OF PREMISES

6. Harverst Catering LLC d/b/a **Harvest Catering at the Riverwalk Center**
150 W. Adams Ave.
Hotel & Restaurant Liquor License
 - Modify to add lawn area to licensed premise on May 14 for Town Clean Up. Delete lawn area from licensed premise on May 15.

ADDITION OF RELATED FACILITY TO RESORT COMPLEX

7. Beaver Run Homeowners Association Inc. dba **Beaver Run Resort/Spencer's Bar**
620 Village Road
Resort Complex Liquor License with Related Facility Permit
 - Add Event Tent as a related facility to the Resort Complex License (Event Tent to be deleted as a related facility on October 15, 2011).

With no request to call an item off the consent calendar and no comments or questions from the Authority, Chair Garrett declared the consent calendar would stand approved as presented.

PUBLIC HEARINGS

Application for a new Hotel & Restaurant Liquor License:

Mauka, Inc. dba **Twist**
200 S. Ridge St.
Hotel & Restaurant Liquor License

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Chair Garrett introduced this public hearing. He asked if the license application together with all supporting documents had been received by the Town Clerk. They had. He asked if the property had been posted and notice of this hearing published. Ms. Loufek responded they had. Chair Garrett asked if any communications in favor of, or in opposition to the application had been received. There were no communications received.

The following is an abbreviated summary of what transpired at the hearing. A verbatim tape recording was made of the entire hearing as required by the Rule 26.12 of the Rules of Procedure of the LLA.

Chair Garrett continued by asking the applicant to present any evidence in support of the application. Thomas Messerschmitt and Matthew Fackler were present and introduced themselves and the business. Mr. Messerschmitt presented letters of support to the Authority. He also handed the Authority the petitions. He explained that Mr. and Mrs. Fackler had purchased the building at 200 S. Ridge Street and why Mauka Inc. was excited to have a business at that location. Mr. Blank asked about the type of food that would be served. Mr. Fackler responded they will be trying to cater to the local family crowd and hope to have a neighborhood style restaurant. During the off season they will stay open. The patio area has speakers but they do not intend to have live music. When asked if the patio area will be used as a smoking area, Mr. Fackler responded he considers the patio area to be an extension of the restaurant and doesn't feel it is fair to the other patrons to have smoking in that area. Ms. Katz stated the Authority usually asks if staff will be TIPS trained, however, she knows with this organization the staff will be TIPS trained.

Chair Garrett asked if there was anyone present who would like to speak in opposition to the application. There was no one present. With that, Chair Garrett asked if the Authority had any further questions for the applicant. There were none. With no further questions, Chair Garrett declared the hearing on the application to be closed.

Ms. Katz moved to approve the application of Mauka Inc. d/b/a Twist for a new Hotel & Restaurant Liquor License for the premises to be located at 200 S. Ridge Street, based on the applicant's showing of the reasonable requirements of the neighborhood and the desires of the citizens, and subject to the applicant receiving a favorable background investigation. The motion passed with 4 members in favor of passage.

Application for a new Hotel & Restaurant Liquor License:

Colorado Mountain Junior College District dba **Colorado Mountain College**
107 Denison Placer Rd
Hotel & Restaurant Liquor License

Chair Garrett introduced this public hearing. He asked if the license application together with all supporting documents had been received by the Town Clerk. They had. He asked if the property had been posted and notice of this hearing published. Ms. Loufek responded they had. Chair Garrett asked if any communications in favor of, or in opposition to the application had been received. There were no communications received.

The following is an abbreviated summary of what transpired at the hearing. A verbatim tape recording was made of the entire hearing as required by the Rule 26.12 of the Rules of Procedure of the LLA.

Chair Garrett continued by asking the applicant to present any evidence in support of the application. Alton Scales, CEO of Colorado Mountain College, introduced himself and presented the petition to the Chair Garrett. Mr. Garrett asked what the college hopes to accomplish with this liquor license. Mr. Scales stated currently the college has a recreational cooking program and culinary institute. They hope to be able to offer with the classes offered, wine pairings. In the future, the college may look at a Sommelier certificate program. The college also partners with organizations in holding fundraising events. Those events would be enhanced by being able to offer wine. The college has about 3,200 students. The recreational cooking classes have seen about 3,000 registrations. Alcohol will be stored in a very secure area.

Chair Garrett asked if there was anyone present who would like to speak in opposition to the application. There was no one present. With that, Chair Garrett asked if the Authority had any further questions for the applicant. There were none. With no further questions, Chair Garrett declared the hearing on the application to be closed.

Mr. Blank moved to approve the application of Colorado Mountain Junior College District d/b/a Colorado Mountain College for a new Hotel & Restaurant Liquor License for the premises to be located at 107 Denison Placer Road, based on the applicant's showing of the reasonable requirements of the neighborhood and the

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desires of the citizens, and subject to the applicant receiving a favorable background investigation. The motion passed with 4 members in favor of passage.

Application for a new Beer & Wine License:

Windriver Investments LLC dba **Speakeasy Movie Theatre**
103 S. Harris St
Beer & Wine License

Chair Garrett introduced this public hearing. He asked if the license application together with all supporting documents had been received by the Town Clerk. They had. He asked if the property had been posted and notice of this hearing published. Ms. Loufek responded they had. Chair Garrett asked if any communications in favor of, or in opposition to the application had been received. There were no communications received.

The following is an abbreviated summary of what transpired at the hearing. A verbatim tape recording was made of the entire hearing as required by the Rule 26.12 of the Rules of Procedure of the LLA.

Chair Garrett continued by asking the applicant to present any evidence in support of the application. Karin Litzman and Michael Anderson were present and presented the petition to Chair Garrett. Ms. Litzman stated patrons have been asking for a glass of wine or beer for a long time. Issuance of a beer and wine license at the theatre would enhance the operation of the theatre. Ms. Litzman stated she is TIPS certified and has a background in the restaurant industry.

Chair Garrett asked if there was anyone present who would like to speak in opposition to the application. There was no one present. With that, Chair Garrett asked if the Authority had any further questions for the applicant. There were none. With no further questions, Chair Garrett declared the hearing on the application to be closed.

Mr. Montepare moved to approve the application of Windriver Investments LLC d/b/a Speakeasy Movie Theatre for a new Beer & Wine License for the premises to be located at 130 S. Harris Street, based on the applicant's showing of the reasonable requirements of the neighborhood and the desires of the citizens, and subject to the applicant receiving a favorable background investigation. The motion passed with 4 members in favor of passage.

NEW BUSINESS

There was no new business.

OTHER MATTERS

Red White and Blue Fire District – Jay Nelson was present and reported RWB staff has been conducting inspections. There have been no major issues. The most recent issue was a grease fire at the Motherloaded Tavern.

Police Department Update – Sgt. Eric Stremel reported, things have calmed down but had nothing further to report.

Town Clerk Update – Ms. Loufek did not have a report.

With no further business to discuss, Chair Garrett explained that the next order of business will be an executive session. He explained to the guests that they will need to leave the room, they are welcome to stay for the close of the meeting and will be allowed back into the room at that time.

EXECUTIVE SESSION

At 9:25 a.m. Ms. Katz moved that the Liquor Licensing Authority go into executive session pursuant to Paragraph 4(d) of Section 24-6-402, C.R.S., relating to details of investigations, and Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions relating to such investigations. Mr. Blank made the second.

Chair Garrett stated a motion has been made for the Liquor Licensing Authority to go into an executive session pursuant to Paragraph 4(d) of Section 24-6-402, C.R.S., relating to details of investigations, and

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Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions relating to such investigations.”

A roll call vote was taken with all members in favor of the motion.

At 10:13 a.m. Mr. Montepare moved for the Authority go out of executive session and reconvene in the regular meeting. A roll call vote was taken. All members were in favor of the motion.

AMENDMENT TO THE AGENDA TO CONSIDER A RESOLUTION

At 10:15 a.m. Ms. Katz moved to adopt a resolution provided to the Authority by the Town Attorney setting a hearing to determine if there has been a violation of the liquor code by the Copper Top, at Beaver Run, as captioned in the resolution and adding a change to the form provide by adding the following clause to the first full paragraph on page 1 that begins with “Whereas”: delete the period, add a comma and insert the words “and failed to make reasonable efforts to ensure the safety of the intoxicated person.” The date of the hearing shall be on May 17, 2011 at 9:00 a.m. Mr. Montepare made the second. A roll call vote was taken. Mr. Blank, Ms. Katz, Mr. Montepare and Chair Garrett were in favor of the motion.

With no further business to discuss, Ms. Katz moved to adjourn the regular meeting at 10:20 a.m. The next regular meeting will be held on Tuesday, May 17, 2011. Submitted by Wanda Creen, Deputy Town Clerk.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

Dave Garrett, Chair